



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 16, 2013

Raymond Gutierrez
5384 Huntington Drive
Los Angeles, CA 90032

**REGARDING: PROJECT NO. R2011-01417-(1)
CONDITIONAL USE PERMIT NO. 201100136
105 S. SUNOL DRIVE, EAST LOS ANGELES APN #5233-020-038**

Hearing Officer Pat Hachiya, by her action of July 16, 2013, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on July 30, 2013. **Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MM:SM

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2011-01417-(1)
CONDITIONAL USE PERMIT NO. 201100136**

1. **ENTITLEMENT REQUESTED.** A Conditional Use Permit (CUP) to authorize the construction of a single-family residence with an attached garage on a 0.27 acre lot along Sunol Drive pursuant to County Code Section 22.28.210 in the C-3 (Unlimited Commercial) Zone.
2. **HEARING DATE.** July 16, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on July 16, 2013 before the Hearing Officer. Hearing Officer Pat Hachiya was in attendance for the public hearing. The applicant's representative, Raymond Gutierrez, presented testimony in favor of the request and answered questions presented by the Hearing Officer. There being no further testimony, the Hearing Officer closed the public hearing, indicating her intent to approve project R2011-01417-(1) with conditions.
4. **PROJECT DESCRIPTION.** The applicant, Raymond Gutierrez, is requesting a conditional use permit (CUP) to authorize the construction of a 2-story 2,259 sq. ft single-family residence with an attached 375 sq. ft. garage on a 0.27 acre lot along Sunol Drive in the C-3 (Unlimited Commercial) Zone in the East Los Angeles Zoned District. The site currently contains an existing 1,208 sq. ft. duplex with a detached 600 sq ft. garage that will remain.
5. **LOCATION.** The subject property is located at 105 S. Sunol Drive in the unincorporated community of East Los Angeles.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the 0.27 acre lot located at the southeast corner of 1st Street and Sunol Drive. An existing 1,208 sq. ft. duplex with a detached 600 sq. ft. garage sits on the north half of the property with access via a driveway off of Sunol Drive. The proposed house is depicted on the southern half of the property with access via a driveway off of Sunol Drive.
7. **EXISTING ZONING.** The subject property is zoned C-3 (Unlimited Commercial), in the East Los Angeles Zoned District.

Surrounding properties are zoned as follows:

North: C-3 (Unlimited Commercial), C-2 (Neighborhood Business)
South: R-2 (Two-family Residence)
East: C-3 (Unlimited Commercial)
West: C-3 (Unlimited Commercial)

8. **EXISTING LAND USES.** The subject property is developed with a residential duplex.

Surrounding properties are developed as follows:

North: Commercial, Power Substation, Los Angeles County Community Service Center
South: Duplexes, Multi-family Residences
East: Duplexes, Multi-family Residences, Single-family Residences
West: Commercial, Single-family Residences, Multi-family Residences

9. **PREVIOUS CASES/ZONING HISTORY.** The Zoning History of this parcel is as follows:
C-3 (May 3, 1938).

Conditional Use Permit No. 03-016 – Approved July 9, 2003. This conditional use permit approved the conversion of an existing single-family residence into a duplex.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the LMD – Low/Medium Density Residential (17 du/ac) land use designation of the East Los Angeles Community Plan. The LMD land use designation is intended for areas suited predominantly single-family housing, duplex and townhouse development on moderately sized lots with some low-rise garden apartments on consolidated lots. The project is to build a single-family residence and is therefore consistent with the permitted uses of the underlying land use category. The maximum density in the LMD land use designation is 17 dwelling units per acre. The site's 0.27 acres can have a maximum density of 4.59 dwelling units. The proposed single-family residence and existing duplex would bring the site's number of dwelling units to three and would be below the maximum density allowed.

The following policies of the General Plan are applicable to the proposed project:

- *Promote the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land.*

The proposed single-family residence will be built on land that is currently vacant adjacent to an existing duplex on a single lot.

- *Preserve sound residential areas and protect them from intrusion of incompatible uses.*

The proposed single-family residence is compatible with the existing residential area surrounding it.

- *Promote the provision of an adequate supply of housing by location, type and price.*

The project will diversify the housing stock of the neighborhood by providing an additional single-family residence to a neighborhood containing single-family homes, duplexes, and multi-family housing.

The following policies of the Community Plan are applicable to the proposed project:

- *Provide for new development which is compatible with and complements existing uses.*

The proposed project is compatible with the low-medium density housing surrounding it.

- *Encourage infill development in residential neighborhoods which is compatible with the density of existing development.*

The proposed project will be built on vacant land adjacent to an existing residential duplex and is compatible with the mixed density residential neighborhood around it.

- *Provide increased opportunities for a variety of residential densities (i.e. two single family homes on one lot), concentrating on development at low medium and medium densities.*

The project will add a single-family residence to a residential neighborhood that contains a variety of housing types.

ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE. Pursuant to Pursuant to Section 22.28.220 of the County Code, establishments in the C-3 Zone are subject to the following development standards:

- That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area: The addition of the proposed project with the existing duplex on the site will not exceed 90 percent of the net area of the 0.27 acre lot.
- That there be two covered parking spaces per dwelling unit for single-family residences as required by Part 11 of Section 22.52: The project includes a two-car garage which is adequate in size to provide parking for the proposed single-family residence. The existing duplex requires one and one-half covered parking spaces as required by Part 11 of Section 22.52. Parking for the duplex is provided by an existing three-car garage and is adequate in size to provide parking as required.
- All display shall be located entirely within an enclosed building: The project is a single-family residence and will not have displays.
- Outside storage: No outside storage is being proposed for the project.

Development standards for single-family residences located in the C-3 Zone are not defined under Section 22.28.210 for the County Code. However, development standards and yard requirements are defined under Sections 22.20.105 and 22.20.120 of the County Code for single-family residences located in the R-1 (Single-family Residence) Zone and are subject to the following development standards:

- Pursuant to Section 22.20.105-A, single-family residences shall use only approved roofing and exterior siding materials and meet minimum width and square footage requirements. The project meets these requirements as described on the site plan.
- Pursuant to Section 22.20.120, single-family residences shall provide minimum front, side, and rear yard setbacks. The project meets these minimum yard setbacks as described on the site plan.

Pursuant to Section 22.44.118 of the County Code, establishments in the East Los Angeles Community Standards District (CSD) are subject to the following development standards:

- Fencing – Those portions of fences more than three and one-half feet high must be substantially open, except for pillars used in conjunction with wrought iron style fences, and shall not cause a significant visual obstruction: The front yard fence is a 4 ft. high combination block and metal fence that leaves the portion of the fence that is more than three and one-half feet high substantially open.
- Height – The maximum height for single-family residences that would normally be located in the R-1 zone is 25 feet. The project will have a maximum height of 20 ft. 10 inches and meets this requirement.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The surrounding neighborhood consists of a mix of residential uses, including single-family homes, duplexes, and multi-family residences. There are also nearby low density commercial

development and civic uses in the area. The proposed single-family residence fits the residential character of the neighborhood immediately surrounding the property and is compatible with the surrounding neighborhood land uses.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The County Department of Public Health and the County Department of Parks and Recreation have reviewed the project and had no comments regarding the project.

The County Department of Public Works has reviewed the project and recommended approval with conditions in its letter dated October 18, 2012.

The County Fire Department recommended approval of the project with conditions in its letter dated March 26, 2013.

13. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

14. **PUBLIC COMMENTS.** No public comments were received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The proposed project is consistent with the existing residential neighborhood. The development would increase the adjacent property values by infilling on an existing vacant lot.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

16. The project will comply with all development standards as prescribed in Title 22 so as to adequately accommodate the proposed site.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

17. The proposed site is currently adequately served by existing highways, streets, and services for the intended new residential use.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

18. The project involves the construction of a new single-family residence on a previously disturbed portion of the lot in an urbanized area.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

19. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- C. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100136 is Approved subject to the attached conditions.

Action Date: July 16, 2013

MM:SM
7/16/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2011-01417-(1)
CONDITIONAL USE PERMIT NO. 201100136**

PROJECT DESCRIPTION

The project is a conditional use permit for a single-family residence in the C-3 (Unlimited Commercial) zone subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. An inspection shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$200.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **one (1)** inspection. The inspection shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
12. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
13. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
14. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

15. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
16. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.
17. The applicant shall abide to all road and grading conditions as stated in the Department of Public Works' letter dated October 18, 2012.

18. Prior to the issuance of building permits, the applicant shall submit architectural plans and an updated fire flow test for the existing public fire hydrant on Sunol Drive south of the property to the Fire Department for review and approval as stated in their letter dated March 26, 2013.

Attachments:

Public Works Letter dated October 18, 2012.

Fire Department Letter dated March 26, 2013.



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460


October 18, 2012

IN REPLY PLEASE

REFER TO FILE: LD-1

TO: Mi Kim
Zoning Permits West Section
Department of Regional Planning

Attention Steve Mar

FROM:  Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201100136
PROJECT NO. R2011-01417
ASSESSOR'S MAP BOOK NO. 5233, PAGE 20, PARCEL NO. 38
105 SOUTH SUNOL DRIVE

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for CUP No. 201100136 in the unincorporated area of East Los Angeles. The project is for the construction of a new 2,634-square-foot, two-story, single-family residence in a commercial zone.

Upon approval of the site plan, we recommend the following conditions:

1. Road
 - 1.1 Construct a new driveway on Sunol Drive in accordance with the Americans with Disabilities Act guidelines and to the satisfaction of Public Works. In lieu of full street improvement plans showing the new driveway, appropriate details may be provided on the grading plan. Public Works' approval of the driveway details must be obtained prior to obtaining a grading or drainage permit. A review fee is required.
 - 1.2 Repair and replace any improvements damaged during construction to the satisfaction of Public Works.

2. Grading

- 2.1 Submit a grading plan for approval. The grading plan must show and call out items including, but not limited to, construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, Standard Urban Stormwater Mitigation Plan (SUSMP) devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.
- 2.2 Provide approval of the latest drainage concept/hydrology/SUSMP and Low-Impact Development plan by Public Works' Land Development Division.
- 2.3 A maintenance agreement may be required for all privately maintained drainage devices
- 2.4 Provide soil/geology approval of the grading plan from Public Works' Geotechnical and Materials Engineering Division, as applicable

For questions regarding the road and grading conditions, please contact Andy Narag at (626) 458-4921 or anarag@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RLRC:tb



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: March 26, 2013

TO: Department of Regional Planning
Zoning Permits

PROJECT #: CUP R2011-01417

LOCATION: 105 S. Sunol Dr.

- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☐ The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Verify __ 6" X 4" X 2 1/2" public fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ **Comments:** The Fire Department recommends approval of this permit as presently submitted.
- ☒ **Water:** Per the fire flow test performed by California Water Service Company dated 02-28-13, the existing water system and fire hydrants meet current Fire Department requirements.
- ☒ **Access:** Access is adequate, no on-site access required.
- ☒ **Special Requirements:** Prior to building permit issuance, submit architectural plans and an updated fire flow test for the existing public fire hydrant on Sunol Dr south of the property to the Fire Department for review and approval.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: *Juan C. Padilla*

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783